

REMARKS

This communication is in response to the Examiner's Action mailed 8 September 2004. In paragraphs 1 and 2, the Examiner comments on the format of the application and the claim of priority. Applicants have amended the specification consistent with the Examiner's comments. In paragraphs 3 through 6 of the Action, the Examiner comments on the formal language of the claims as written. Applicants have canceled claims 146 and 164 and amended claims 150, 154-157, 159, 168, 172-175 and 177 in accordance with the Examiner's suggestions.

In paragraphs 7 and 8, the Examiner argues that claims 145-149 are rejected under 35 U.S.C. § 102(b) over the Kahlbaugh et al. reference, U.S. Patent No. 5,672,399. The Examiner argues that the reference has the same polymer material as the claimed invention. Applicants understand the Examiner's position that the Kahlbaugh et al. reference discloses an identical polymer material in the fine fiber as disclosed and claimed by Applicants and that, since the materials are identical, the properties would be the same. Applicants respectfully disagree with this position. Applicants respectfully traverse the rejection.

On page 28 through 38, in Examples 1-6 and the associated test data, Applicants have shown that for a number of polymers, not disclosed in the Kahlbaugh et al. reference, that substantial increases in filtration efficiency and polymer fiber survival under conditions of high temperature and humidity can be achieved. A variety of polymers using additive and other reactive materials result in a fiber with substantially increased resistance to heat and humidity. Even though fibers less than a micron in fiber diameter were prepared, these extraordinarily small fibers, after modification with a variety of different polymer materials including additives, crosslinking agents and others, obtain remarkably environmentally stable fiber. Applicants assert that the data in the case show that the combination of a number of polymer types with a variety of other materials including coating resins and crosslinking agents results in a particular long life fiber. Applicants assert that they are entitled to claim such a fine fiber. The fine fibers in the Kahlbaugh et al. reference are comparatively simple nylon fibers having no additive or reactant that confers on the fiber an extended lifetime in view of the temperature and humidity. Applicants assert that obtaining a fiber having a diameter of about 0.1 to about 0.5 micron with the temperature and humidity resistance claimed is unique and unobvious in light of the prior art.

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

3 Dec '04
Date

Mark DiPietro

Mark DiPietro
Reg. No. 28,707
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
Telephone: (612) 371-5375
E-mail: mdipietro@merchant-gould.com

